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PROPERTY MAINTENANCE CODE OF NEW YORK STATE®

Kathy Hochul Governor
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Building Standards & Codes

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2025 Property Maintenance Code of New York State

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PREFACE

ABOUT THE NYS CODES

In 1978, the State Legislature added Article 11 to the Energy Law to provide for a comprehensive energy conservation construction code applicable to all public and private buildings in New York State (including buildings located in the City of New York). Article 11, consisting of sections 11-101 through 11-110 of the Energy Law, sets forth the process by which the State Energy Conservation Construction Code ("Energy Code") is to be developed, maintained, administered, and enforced for the conservation of energy in buildings in New York State. Both State government and local governments are participants in this process.

In 1981, the New York State Legislature enacted legislation directing the development and implementation of an integrated, Statewide building and fire prevention code. Prior to the adoption of this legislation, the decision as to whether to adopt and enforce a building and/or fire prevention code was left to the discretion of local governments in New York State. Many municipalities, primarily in the more developed and densely populated areas of the State, had adopted building and/or fire prevention codes. However, there were also many communities, mostly rural in nature, where no building or fire prevention code was in effect.

In light of the perils posed by fire and inadequate building construction, the State Legislature adopted a new Article 18 of the Executive Law to provide for an integrated and comprehensive building and fire prevention code. Article 18, consisting of sections 370 through 383 of the Executive Law, sets forth the process by which the code is to be developed, maintained, administered, and enforced for the protection of all New Yorkers. Both State government and local governments are participants in this process. The code, called the New York State Uniform Fire Prevention and Building Code ("Uniform Code"), took effect January 1, 1984 and prescribed minimum standards for both fire prevention and building construction. It is applicable in every municipality of the State except the City of New York, which was permitted to retain its own code.

Although the Uniform Code took effect in 1984, its antecedents are much older. Beginning in the late 1940's, New York State began developing a code known as the State Building Construction Code, which provided standards for the construction of buildings and the installation of equipment therein. Developing and maintaining the State Building Construction Code eventually became the responsibility of the New York State Division of Housing and Community Renewal (DHCR). In the 1960's, DHCR began developing a second code, the State Building Conservation and Fire Prevention Code, to address fire safety practices in buildings. Both of these codes were applicable in a municipality only when affirmatively adopted by the governing body. The State Building Construction Code and the State Building Conservation and Fire Prevention Code were repealed effective January 1, 1984 when they were replaced by the Uniform Code.

Code Development Process

Responsibility for developing and maintaining the Uniform Code and the Energy Code is vested in the State Fire Prevention and Building Code Council (the "Code Council"), a seventeen-member body chaired by the Secretary of State and composed of the Secretary of State, the State Fire Administrator, and fifteen other members appointed by the Governor (seven with consent of the Senate). The Code Council is required to meet at least quarterly but additional meetings may be called by the chair or by petition of five members of the Code Council.

Periodically both the Uniform Code and the Energy Code require amendment. The Uniform Code and the Energy Code are implemented via regulations, and any amendment of either code must be adopted pursuant to the rule making process set forth in the State Administrative Procedure Act ("SAPA"). In most situations, that process includes publishing a notice of proposed rule making in the New York State Register, specifying a period during which the public may submit comments on the proposed amendment (which, unless a different time frame is specified in statute, shall be at least sixty days) holding at least one hearing at which the public may present input regarding the proposed amendment, reviewing and assessing the comments received, and publishing a notice of adoption in the New York State Register. Generally, any amendment of the Uniform Code will become effective 90 days after publication of the notice of adoption; however, the Code Council has the authority to designate an earlier effective date if necessary to protect health, safety and security. An amendment of the Energy Code can be effective as early as the date of publication of the notice of adoption. However, when both the Uniform Code and Energy Code are amended at the same time, the effective dates are typically coordinated with each other. In addition, either code can be amended by adoption of an emergency rule, which can be effective as early as the date of filing of the notice of emergency adoption. New York's emergency rule making process allows an agency to adopt a rule on a temporary basis for a maximum of 90 days, at which time the emergency may be re-adopted, but each such re-adoption will be effective for a maximum of 60 days and to file for re-adoption the agency must also take action to initiate the proposal process to formally adopt the rule on a permanent basis. All rule-making activity is published on the website of the Division of Building Standards and Codes.

Coordination of the NYS Codes

The coordination of technical provisions allows the NYS Codes to be used as a complete set of complementary documents. Individual codes can also be used in subsets or as stand-alone documents. Some technical provisions that are relevant to more than one subject area are duplicated in multiple code books.

INTRODUCTION TO THE PROPERTY MAINTENANCE CODE OF NEW YORK STATE

The Property Maintenance Code of New York State (PMCNYS) establishes minimum requirements for the maintenance of existing buildings through regulations that contain clear and specific property maintenance and property improvement provisions. The

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PMCNYS is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The PMCNYS provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community. This 2025 edition was developed as a derivative work of the 2024 edition of the International Property Maintenance Code® (IPMC®) published by the International Code Council® (ICC®).

The PMCNYS is intended to establish provisions that adequately protect public health, safety and welfare; that do not unnecessarily increase construction costs; that do not restrict the use of new materials, products or methods of construction; and that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

LETTER DESIGNATIONS IN FRONT OF SECTION NUMBERS

The bracketed letter designations for the party responsible for portions of this code are as follows:

ICC Code Development Committee

[A] =Administrative Code Development Committee
[BE] =IBC—Egress Code Development Committee
[BF] =IBC—Fire Safety Code Development Committee
[BG] =IBC—General Code Development Committee
[BS] =IBC—Structural Code Development Committee
[E] =Developed under the ICC's Standard Development Process
[EB] =International Existing Building Code Development Committee
[F] =International Fire Code Development Committee
[FG] =International Fuel Gas Code Development Committee
[M] =International Mechanical Code Development Committee
[P] =International Plumbing Code Development Committee
[SP] =International Swimming Pool and Spa Code Development Committee

New York State Code Development

[NY] =New York State Department of State

ARRANGEMENT AND FORMAT OF THE 2025 PMCNYS

Before applying the requirements of the PMCNYS, it is beneficial to understand its arrangement and format. The PMCNYS, like other codes published by the ICC, is arranged and organized to follow sequential steps that generally occur during a plan review or inspection.

The following table shows how the PMCNYS is divided. The chapter synopses detail the scope and intent of the provisions of the PMCNYS.

CHAPTER TOPICS	
CHAPTERS	**SUBJECTS**
1	Scope and Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards
Appendix A	Boarding Standard
Appendix B	Reserved
Appendix C	Parking Garage Condition Assessments

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Chapter 1 Scope and Administration.

Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the design professional, contractor and property owner.

Chapter 2 Definitions.

Chapter 2 is the repository of the definitions of terms used in the body of the code. The user of the code should be familiar with and consult this chapter because the definitions are essential to the correct interpretation of the code and because the user may not be aware that a term is defined.

Chapter 3 General Requirements.

Chapter 3 includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure. Chapter 3 provides specific criteria for regulating the maintenance of specific building components; vacant structures and land; interior and exterior of structures and all exterior property areas; and accessory structures. This chapter also contains requirements for protective barriers, and gates therein, for swimming pools, spas and hot tubs.

Chapter 4 Light, Ventilation and Occupancy Limitations.

Chapter 4 establishes the minimum environment for occupiable and habitable buildings through light and ventilation criteria and occupancy limitations based on room width, area and ceiling height.

Chapter 5 Plumbing Facilities and Fixture Requirements.

Chapter 5 establishes requirements for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures. Chapter 5 establishes these minimum criteria to verify that sanitary and clean conditions related to plumbing systems and facilities are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements.

Chapter 6 establishes minimum criteria for the installation and maintenance of the following components and systems within existing buildings: heating and air-conditioning equipment, appliances and their supporting systems; water heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

Chapter 7 Fire Safety Requirements.

Chapter 7 addresses fire hazards associated with a building's occupancy and provides minimum requirements for fire safety issues most likely to arise in older buildings. This chapter also contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 8 Referenced Standards.

Chapter 8 lists all of the product and installation standards and codes that are referenced throughout Chapters 1 through 7 and includes identification of the promulgators and the section numbers in which the standards and codes are referenced. As stated in Section 102.8, these standards and codes become an enforceable part of the code (to the prescribed extent of the reference) as if printed in the body of the code.

Appendix A Boarding Standard.

The provisions in Appendix A are not mandatory unless specifically referenced in the adopting ordinance. This appendix provides minimum specifications for boarding a structure. This can be utilized by a jurisdiction as a set of minimum requirements in order to result in consistent boarding quality.

Appendix B Reserved.

Appendix C Parking Garage Condition Assessments

Appendix C provides requirements for parking garage condition assessments, including both initial condition assessments and periodic condition assessments.

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CHAPTER

1 SCOPE AND ADMINISTRATION

User notes:

About this chapter: *This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview.*

SECTION 101—SCOPE AND GENERAL REQUIREMENTS

[NY] 101.1 Title. This publication shall be known as the 2025 edition of the *Property Maintenance Code of New York State*, hereinafter referred to as "this code." This code is part of the New York State Uniform Fire Prevention and Building Code (the "Uniform Code").

[NY] 101.1.1 Amendments of New York State code books. In Chapter 1, the term "New York State code books" shall include the *Residential Code of New York State*, the *Building Code of New York State*, the *Plumbing Code of New York State*, the *Mechanical Code of New York State*, the *Fuel Gas Code of New York State*, the *Fire Code of New York State*, the *Property Maintenance Code of New York State* (i.e., this publication), the *Existing Building Code of New York State*, and the *Energy Conservation Construction Code of New York State*. Provisions in any one or more of the New York State code books may be amended from time to time by provisions in 19 NYCRR Parts 1220 to 1227 or 19 NYCRR Part 1240, as currently in effect and as hereafter amended from time to time. If this publication is now or hereafter so amended, references in this publication to "this code" shall be deemed to be references to this publication as so amended. If any other New York State code book is now or hereafter so amended, references in this code to such other New York State code book shall be deemed to be references to such New York State code book as so amended.

[NY] 101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential *structures* and all existing *premises* and constitute minimum requirements and standards for *premises, structures*, equipment and facilities for light, *ventilation,* space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners,* an *owner*'s authorized agent, *operators* and *occupants;* the *occupancy* of existing *structures* and *premises,* and for administration, enforcement and penalties. The provisions of this code apply to manufactured homes except as provided by Appendix BA of the *Residential Code of New York State*.

Exceptions:

1. Agricultural buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises that are used directly and solely for agricultural purposes, shall not be subject to the construction-related provisions of this code.
2. Construction trailers that are used as temporary offices for the purpose of monitoring construction at a construction site shall not be subject to this code.
3. *Structures* such as radio and television transmission, communication and wind generation towers, and ground-mounted photovoltaic arrays that are neither a building appurtenance nor are attached to a building shall not be subject to this code.
4. Standards for construction of sleeping quarters in a *children's overnight camp* as defined in Public Health Law Section 1392(1) shall be governed by Public Health Law Section 1394(1) and the regulations promulgated by the Public Health Council. See Executive Law Section 378(1). As of the date of this publication, the Public Health Council's regulations for *children's overnight camps* are found in 10 NYCRR Subpart 7-2 ("Children's Camps").

[NY] 101.2.1 Appendices. Provisions in this appendix have been adopted and are made part of this code:

Appendix C Parking Garage Condition Assessments

In addition, the following appendix is included for informational purposes:

Appendix A Boarding Standard

[A] 101.3 Purpose. The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued *occupancy* and maintenance of *structures* and *premises*. Existing *structures* and *premises* that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

[NY] 101.4 Partial Invalidity. In the event that any part or provision of this code is held by a court of competent jurisdiction to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

[NY] 101.5 Provisions included in Uniform Code. The purpose of this chapter is to include in the *Uniform Code* provisions requiring *persons* and entities who construct, renovate, use and occupy buildings and *structures* to apply for and obtain building permits, to facilitate construction inspections, to obey stop work orders, to obtain certificates of occupancy, and to obtain operating permits. The provisions in this chapter are considered to be integral parts of the *Uniform Code*'s standards for construction, maintenance, and fire protection equipment and systems.

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[NY] 101.5.1 Definition. For the purpose of this chapter, the term "other applicable law" shall include the *authority having jurisdiction*'s *Code Enforcement Program*; any local law, ordinance, or regulation establishing the *authority having jurisdiction*'s *Code Enforcement Program*; and any other applicable statute, regulation, rule, local law, or ordinance.

SECTION 102—APPLICABILITY

[NY] 102.1 General. Where, in any case, different sections of this code specify different materials, methods of construction, or other requirements, the most restrictive shall be applicable. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working order. An *owner*, *owner*'s authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, *structures* and *premises*.

[NY] 102.2.1 Existing non-required equipment and systems. Whenever or wherever any non-required device, equipment, system, condition, arrangement, level of protection or any other feature is provided, such device, equipment, system, condition, arrangement, level of protection or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

Exception: Non-required devices, equipment and systems are permitted to be removed or disabled as provided below:

1. Non-required devices, equipment and systems are permitted to be removed in entirety.
2. Non-required devices, equipment and systems are permitted to be disabled, provided that all visible elements are removed.
3. Electrically charged devices, equipment and systems are permitted to be disabled, provided that they are disconnected from power sources and all visible elements are labeled as not being energized.
4. Non-required fire protection systems are permitted to be disabled, provided that sprinkler heads, exposed valves, fire department connections, initiating and notification devices and similar equipment are removed, and any remaining visible components are labeled as not being in service.

[NY] 102.3 Application of other codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *Building Code of New York State*, *Existing Building Code of New York State*, *Energy Conservation Construction Code of New York State*, *Fire Code of New York State*, *Fuel Gas Code of New York State*, *Mechanical Code of New York State*, *Residential Code of New York State*, *Plumbing Code of New York State* and NFPA 70.

[NY] 102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the *authority having jurisdiction* or its officers or agencies relating to the removal or demolition of any *structure* that is *dangerous*, unsafe or insanitary.

[NY] 102.5 Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of the *Uniform Code* shall be executed and installed in a *workmanlike* manner and installed in accordance with the *Uniform Code* and the manufacturer's instructions.

[NY] 102.6 Reserved.

[NY] 102.7 Reserved.

[NY] 102.8 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

[A] 102.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[A] 102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[NY] 102.9 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, *structure* or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *authority having jurisdiction*.

[A] 102.10 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[NY] 102.11 Other laws and regulations. This code is part of the *Uniform Code* promulgated pursuant to Article 18 of the New York State Executive Law. The provisions of this code shall not be deemed to nullify any federal, state or local law, ordinance, administrative code, rule or regulation relating to any matter as to which the *Uniform Code* does not provide.

However:

1. Pursuant to Section 383(1) of the Executive Law, and except as otherwise provided in paragraphs a, b, and c of Section 383(1) of the Executive Law, the provisions of the *Uniform Code* supersede any other provision of a general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict with the *Uniform Code*;
2. Pursuant to Section 379(3) of the Executive Law, no city, town, village, county or other municipality shall have the power to supersede, void, repeal, or make less restrictive any provision of the *Uniform Code*; and
3. The ability of any city, town, or village, or the County of Nassau, to enact or adopt, and to enforce, a local law or ordinance imposing higher or more restrictive standards for construction within the jurisdiction of such city, town, village, or county that are applicable generally to such city, town, village, or county in the *Uniform Code* is subject to the provisions and requirements of Section 379 of the Executive Law.

Nothing in this section shall be construed as any of the following:

1. Affecting the authority of the State Labor Department to enforce a safety or health standard issued under provisions of Sections 27 and 27-a of the Labor Law;
2. Relieving a person from complying with a stricter standard issued pursuant to the Occupational Safety and Health Act of 1970, as amended; or
3. Superseding, limiting, impairing or otherwise affecting any provision the *Uniform Code*, as now in effect and as hereafter amended from time to time.

[NY] 102.11.1 Other New York Codes, Rules and Regulations (NYCRR). Additional New York Codes, Rules and Regulations exist that may affect new and existing buildings, structures, systems and equipment. Such regulations include, but are not limited to:

1. 19 NYCRR Part 300 (Universal Symbol of Access),
2. 19 NYCRR Part 1261 (Recordkeeping - Smoke Detectors in Multiple Dwellings),
3. 19 NYCRR Part 1264 (Identification of Buildings Utilizing Truss Type Construction), and
4. 19 NYCRR Part 1265 (Residential Structures with Truss Type Construction, Pre-Engineered Wood Construction and/or Timber Construction).

[NY] SECTION 103—ADMINISTRATION AND ENFORCEMENT

[NY] 103.1 Administration and enforcement. The *Uniform Code* shall be administered and enforced by the *authority having jurisdiction*. The identity of the *authority having jurisdiction* in a given situation is determined in accordance with Article 18 of the Executive Law and the regulations promulgated by the Secretary of State pursuant to Executive Law Section 381(1). In general, the *authority having jurisdiction* is the local government (city, town or village) in which the building or *structure* is located. In certain situations, the *authority having jurisdiction* may be the county in which the building or *structure* is located. In certain other cases, the State, the Secretary of State (acting through the Department of State) or some other State agency may be the *authority having jurisdiction*. The *authority having jurisdiction* responsible for administration and enforcement of the *Uniform Code* is also responsible for administration and enforcement of the *Energy Code*.

Administration and enforcement of the *Uniform Code* and *Energy Code* shall be in accordance with the following, as applicable:

1. Where a city, town, village or county is the *authority having jurisdiction*:
   - 1.1. Such city, town, village or county shall provide for administration and enforcement of the *Uniform Code* and *Energy Code* by local law, ordinance, other appropriate regulation, or combination thereof.
   - 1.2. The *Code Enforcement Program* established by such local law, ordinance or other appropriate regulation, or combination thereof, must include, at a minimum, the features described in *Part 1203* and must satisfy all other requirements of *Part 1203*.
   - 1.3. Such city, town, village or county shall administer and enforce the *Uniform Code* and *Energy Code* in accordance with the *Code Enforcement Program* established by such local law, ordinance or other appropriate regulation, or combination thereof.
2. Where the State is the *authority having jurisdiction* pursuant to 19 NYCRR Section 1201.2(d):
   - 2.1. The *Code Enforcement Program* shall be as established by *Part 1204*.
   - 2.2. The State, acting through one or more State agencies, shall administer and enforce the *Uniform Code* and *Energy Code* in accordance with *Part 1204*.
3. Where the Department of State is the *authority having jurisdiction*:
   - 3.1. The *Code Enforcement Program* shall be as established by *Part 1202*.
   - 3.2. The Department of State shall administer and enforce the *Uniform Code* and *Energy Code* in accordance with *Part 1202*.
4. Where any governmental unit or agency not included in Items 1, 2, and 3 above is the *authority having jurisdiction*:
   - 4.1. Such governmental unit or agency shall provide for administration and enforcement of the *Uniform Code* and *Energy Code* by regulation.
   - 4.2. The *Code Enforcement Program* established by such regulation must include, at a minimum, the features described Part 1203 and must satisfy all other requirements of *Part 1203*.
   - 4.3. Such governmental unit or agency shall administer and enforce the *Uniform Code* and *Energy Code* in accordance with the *Code Enforcement Program* established by such regulation.

Every governmental unit or agency thereof charged with administration and enforcement of the *Uniform Code* shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

Any *person* or entity constructing or renovating a building or *structure*, changing the use or *occupancy* of a building or *structure*, or engaging in any other activity that is subject to the provisions of the *Code Enforcement Program* of the *authority having jurisdiction* responsible for administration and enforcement of the *Uniform Code* with respect to such building shall comply with all applicable provisions of such *Code Enforcement Program*.

In addition, *persons* and entities who construct, renovate, use and occupy buildings and *structures* shall comply with all applicable provisions of Chapter 1.

[NY] 103.2 Due process. Nothing in Chapter 1, elsewhere in the *Uniform Code*, or in any regulation promulgated pursuant to Executive Law Section 381(1), shall be construed as authorizing any *authority having jurisdiction* to administer and enforce the *Uniform Code* in a manner that deprives any *person* or entity of due process of law. For example, when posting, placarding and/or *condemning* buildings or *structures* that are unsafe, unfit for human *occupancy* or unlawful, notice and opportunity to be heard (and, if applicable, right of appeal) may be required under the applicable constitutional provisions prior to posting, placarding, and/or *condemning* such building or *structure* and/or removing any *owner* or *occupant* or causing any *owner* or *occupant* to be removed from any such building or *structure*.

[NY] 103.3 Reserved.

[NY] SECTION 104—RESERVED

[NY] SECTION 105—MATERIALS, EQUIPMENT, AND METHODS OF CONSTRUCTION

[NY] 105.1 Reserved.

[NY] 105.2 Determination of compliance.

[NY] 105.2.1 Reserved.

[NY] 105.2.2 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code or by any provision of the *Uniform Code* or *Energy Code*, provided that any such alternative is not specifically prohibited by this code and has been *approved*, in writing, by the *code official*. Alternative materials, equipment, appliances, designs, or methods of construction may be *approved* only when the *code official* shall have determined, in writing, that such alternative is:

1. Satisfactory and complies with the intent of the provisions and requirements of the *Uniform Code*; and
2. Not less than the equivalent of that prescribed in the *Uniform Code* in quality, strength, effectiveness, fire resistance, durability, and safety.

Nothing in this section shall be construed as permitting any *code official* or any *authority having jurisdiction* to waive, vary, modify or otherwise alter any provision or requirement of this code or any other provision or requirement of the *Uniform Code*.

[NY] 105.2.3 Reserved.

[NY] 105.3 Reserved.

[NY] 105.4 Reserved.

[NY] 105.5 Reserved.

[NY] 105.6 Reserved.

[NY] 105.7 Reserved.

[NY] 105.8 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval. Materials, equipment and devices tested by an *approved* testing laboratory shall be permitted to be constructed and installed in accordance with such approval.

[NY] 105.8.1 Used materials and equipment. Used materials, equipment and devices shall not be reused unless they meet the requirements of this code for new materials.

[NY] SECTION 106—VARIANCES AND APPEALS

[NY] 106.1 Application for variance or appeal. An application for a variance or modification of any provision or requirement of *Uniform Code* shall be in accordance with the provisions of *Part 1205*. An appeal of any order or determination, or the failure within a reasonable time to make an order or determination, of an administrative official charged to enforce or purporting to enforce the *Uniform Code* may be made in accordance with the provisions of *Part 1205*.

[NY] 106.2 Limitations of authority. Nothing in this code or elsewhere in the *Uniform Code* shall be construed as permitting any *code official* or any *authority having jurisdiction* to waive, vary, modify, or otherwise alter any provision or requirement of this code or any other provision or requirement of the *Uniform Code*. Provisions or requirements of the *Uniform Code* may be varied or modified only in accordance with procedures established by *Part 1205* or by such other regulations as may hereafter be promulgated by the Secretary of State pursuant to Section 381(1)(f) of the Executive Law.

[NY] 106.3 Reserved.

[NY] 106.4 Reserved.

SECTION 107—VIOLATIONS

[NY] 107.1 Violations. Any violation of any provision set forth in this chapter shall be a violation of the *Uniform Code*, and any *person* or entity violating any such provision shall be subject to the penalties prescribed in Executive Law Section 382(2). In addition, to the extent that any act or omission that violates any provision set forth in this code is also a violation of any other applicable law, any *person* or entity guilty of such act or omission shall also be subject to the penalties prescribed in or otherwise applicable to a violation of such other applicable law.

[NY] 107.2 Reserved

[NY] 107.3 Reserved.

[NY] 107.4 Reserved.

[NY] 107.5 Reserved.

SECTION 108—STOP WORK ORDER

[NY] 108.1 Stop work orders. The *authority having jurisdiction* is authorized to issue a stop work order to halt work that is being performed without a required permit; work that is being performed after a required permit has been revoked or suspended or has expired; work that is being conducted in a *dangerous* or unsafe manner; or work that is contrary to provisions of the *Uniform Code*, the *Energy Code*, the *approved* construction documents, or the terms and conditions (if any) of the permit. No *person* or entity shall commence, perform or continue any work if the *authority having jurisdiction* has issued a stop work order with respect to such work.

[NY] 108.2 Reserved.

[NY] 108.3 Reserved.

[NY] 108.4 Reserved.

SECTION 109—UNSAFE STRUCTURES AND EQUIPMENT

[NY] 109.1 General. If the *authority having jurisdiction* determines that a *premises*, building or *structure*, or any building system or equipment, in whole or in part, constitutes a clear and imminent threat to human life, safety or health, is found unfit for human *occupancy*, or is found unlawful, the *authority having jurisdiction* shall exercise its powers so as to extend to the public protection from the hazards of threat to human life, safety, or health.

109.1.1 Unsafe structures. An unsafe *structure* is one that is found to be hazardous to the life, health, property or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is dangerous.

109.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the *structure* that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or *structure*.

109.1.3 Structure unfit for human occupancy. A *structure* is unfit for human *occupancy* whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupants* of the *structure* or to the public.

109.1.4 Unlawful structure. An unlawful *structure* is one found in whole or in part to be occupied by more *persons* than permitted under this code, or was erected, altered or occupied contrary to law.

[NY] 109.1.5 Unsafe conditions. *Structures* or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress*, inadequate light and ventilation, or that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe *structures* shall be taken down and removed or made safe, as the *authority having jurisdiction* deems necessary and as provided for in this section. A vacant *structure* that is not secured against unauthorized entry as required by Section 311 of the *Fire Code of New York State* shall be deemed unsafe.

[NY] 109.2 Vacant structures. Vacant *structures* shall comply with this code and the *Fire Code of New York State*.

109.3 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the *structure* and the nature of the unsafe condition.

[NY] 109.4 Reserved.

[NY] 109.5 Reserved.

[NY] 109.6 Reserved.

[NY] 109.7 Notice. Whenever a *structure* or equipment has been condemned under the provisions of this code, a notice shall be posted in a conspicuous place in or about the *structure* affected by such notice. If the notice pertains to equipment, it shall be placed on the *condemned* equipment.

[NY] 109.7.1 Placard removal. The placard shall not be removed until the defect or defects upon which the *condemnation* and placarding action were based have been eliminated.

[NY] 109.8 Prohibited occupancy. No *person* shall occupy a placarded premises or shall operate placarded equipment.

[NY] 109.9 Restoration or abatement. The *owner*, *owner*'s authorized agent, *operator* or *occupant* of a *structure*, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action. To the extent that repairs, alterations, or additions are made or a change of *occupancy* occurs during the restoration of the *structure*, such repairs, alterations, additions, or change of *occupancy* shall comply with the requirements of the *Existing Building Code of New York State.*

SECTION 110—EMERGENCY MEASURES

[NY] 110.1 Imminent danger. The *authority having jurisdiction* is authorized to order and require the occupants to vacate premises when there exists:

1. *Imminent danger* of failure or collapse of a building or *structure* which endangers life;
2. A *structure* in which any part of the *structure* has fallen and life is endangered by the occupation of the *structure*;
3. An actual or potential danger to the building *occupants* or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials; or
4. Operation of defective or dangerous equipment.

[NY] 110.1.1 Notice. The *authority having jurisdiction* shall require the posting at each entrance to such *structure* a notice reading as follows: "This Structure is Unsafe and its Occupancy Has Been Prohibited by the Code Enforcement Official." It shall be unlawful for any *person* to enter such *structure* except for the purpose of securing the *structure*, making the required repairs, removing the hazardous condition or of demolishing the same.

[NY] 110.2 Reserved.

[NY] 110.3 Reserved.

[NY] 110.4 Reserved.

[NY] 110.5 Reserved.

[NY] 110.6 Post-action hearing in cases of imminent danger. In cases of *imminent danger*, posting, placarding, and *condemning* a building or *structure* and removing *owners* and *occupants* or causing *owners* and *occupants* to be removed without first providing an opportunity to be heard shall be permitted to the extent consistent with applicable Constitutional provisions, provided that the affected *persons* and entities are afforded the opportunity for a post-action hearing to the extent required by applicable Constitutional provisions.

[NY] SECTION 111—RESERVED

[NY] SECTION 112—BUILDING PERMITS, CONSTRUCTION INSPECTIONS, STOP WORK ORDERS, CERTIFICATES OF OCCUPANCY, AND OPERATING PERMITS

[NY] 112.1 Required permits. No *person* or entity shall commence, perform, or continue any work that must conform with the *Uniform Code* and/or *Energy Code* unless all of the following apply:

1. Such *person* or entity has applied to the *authority having jurisdiction* for a permit.
2. The *authority having jurisdiction* has issued a permit authorizing such work.
3. Such permit has not been revoked or suspended.
4. Such permit has not expired.

[NY] 112.1.1 Work exempt from permit requirement. A permit shall not be required for work in any category that is excluded from the permit requirement by the *authority having jurisdiction's Code Enforcement Program*, provided that *Part 1203* allows an *authority having jurisdiction* to exclude such category of work from the permit requirement. Exemptions from permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any provision the *Uniform Code*, the *Energy Code*, or any other applicable law.

[NY] 112.1.2 Applications for building permits. A *person* or entity applying for a building permit shall submit an application to the *authority having jurisdiction*. An application for a building permit shall include all of the following:

1. Construction documents that satisfy the requirements of Section 113.2.
2. Any and all other submittal documents required by Section 113.
3. Any and all other information and documentation that may be required by the stricter of the *authority having jurisdiction's Code Enforcement Program* or a *Part 1203—Compliant Code Enforcement Program*.
4. Such other information and documentation as the *authority having jurisdiction* may determine to be necessary to allow the a*uthority having jurisdictio*n to determine whether the proposed work conforms with the *Uniform Code*, the *Energy Code*, and other applicable laws.

[NY] 112.2.3 Approval of construction documents. When the *authority having jurisdiction* issues a building permit, the *authority having jurisdiction* shall approve the construction documents in writing. Work shall be installed in accordance with the approved construction documents and the terms and conditions, if any, of the building permit.

[NY] 112.2.4 Validity of building permit. The issuance or granting of a building permit shall not be construed to be a permit for, or an approval of, any violation of any provision of the *Uniform Code*, the *Energy Code* or any other applicable law. A building permit purporting to give authority to violate or cancel any provision of the *Uniform Code*, the *Energy Code*, or any other applicable law shall not be valid. The issuance of a building permit based on construction documents and other data shall not prevent the *code official* from requiring the correction of errors in the construction documents and other data.

[NY] 112.2.5 Suspension or revocation of building permit. The *authority having jurisdiction* is authorized to suspend or revoke a permit wherever the permit is issued in error; or on the basis of incorrect, inaccurate or incomplete information; in violation of any provision of the *Uniform Code*, the *Energy Code*, or any other applicable law; or there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

Any such suspension or revocation shall be in writing, signed by an authorized agent of the *authority having jurisdiction*.

[NY] 112.2.6 Placement of building permit and approved construction documents. The building permit, or copy thereof, and at least one set of *approved* construction documents shall be kept on the site of the work until the completion of the project. The approved construction documents shall be open to inspection by any authorized representative of the *authority having jurisdiction*.

[NY] 112.2.7 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for a building permit for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or *structures* located in flood hazard areas, the *code official* shall examine or cause to be examined the construction documents and the construction estimate of the value of the proposed work provided by the applicant. For buildings or *structures* that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or *structure* to its predamaged condition. If the *code official* determines that the proposed work constitutes substantial improvement or repair of substantial damage, then the *code official* shall require the building to meet the requirements of Section 1612 of the *Building Code of New York State* or Section R306 of the *Residential Code of New York State*, as applicable.

Where the building or *structure* has sustained substantial damage, repairs necessary to restore the building or *structure* to its predamaged condition shall be considered substantial improvements regardless of the actual repair work performed.

[NY] 112.3 Construction Inspections. Any *person* or entity performing work for which a building permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the *authority having jurisdiction*, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the *authority having jurisdiction's Code Enforcement Program* or a *Part 1203—Compliant Code Enforcement Program*.

[NY] 112.3.1 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall be the duty of the building permit holder to provide access to and means for inspections of such work that are required by this code.

[NY] 112.4 Certificates of Occupancy. Where the stricter of the *authority having jurisdiction's Code Enforcement Program* or a *Part 1203—Compliant Code Enforcement Program* requires a certificate of occupancy for permission to use or occupy a building or structure, or any portion thereof, no *person* or entity shall use or occupy such building or structure, or such portion thereof, unless all of the following apply:

1. The *authority having jurisdiction* has issued such certificate of occupancy.
2. Such certificate of occupancy has not been revoked or suspended.
3. In the case of a temporary certificate of occupancy, such temporary certificate of occupancy has not expired.

[NY] 112.4.1 Authorized uses and occupancies. Where a certificate of occupancy has been issued for a building or *structure*, or any portion thereof, no *person* or entity shall use or occupy such building or *structure*, or such portion thereof, for any use or *occupancy* other than that authorized by such certificate of occupancy.

[NY] 112.4.2 Change in use or occupancy. Without regard to whether a certificate of occupancy shall have been issued, no person or entity shall convert the use or *occupancy* of a building or *structure*, or any portion thereof, from one use or *occupancy* to another without first completing all of the following:

1. Obtaining a permit to perform the work, if any, required for such conversion.

2. Performing such work, if any.
3. Obtaining a certificate of occupancy from the *authority having jurisdiction*.

[NY] 112.5 Operating Permits. Where the stricter of the *authority having jurisdiction's Code Enforcement Program* or a *Part 1203—Compliant Code Enforcement Program* requires an operating permit to conduct an activity or to use a category of building, no *person* or entity shall conduct such activity or use such category of building without obtaining an operating permit from the *authority having jurisdiction*. The procedures for applying for, issuing, revoking, and suspending operating permits shall be as set forth in the stricter of the *authority having jurisdiction's Code Enforcement Program* or a *Part 1203—Compliant Code Enforcement Program*.

Exceptions:

1. Where specifically identified in the *code enforcement program*, an *authority having jurisdiction* may exempt the requirement for an *operating permit* for the processes or activities, or the *buildings*, *structures*, or facilities listed in Sections 105.5.1 through 105.5.61of the *Fire Code of New York State*, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with Section 1203.3 (h), and condition assessments are performed in compliance with Appendix C of the *Property Maintenance Code of New York State*, as applicable.
2. An *operating permit* shall not be required if periodic inspections are performed for compliance with the applicable provisions of the *Uniform Code* to conduct such activity or to use such category of *building* to the satisfaction of the *authority having jurisdiction.*

[NY] SECTION 113—CONSTRUCTION DOCUMENTS

[NY] 113.1 General. Submittal documents consisting of construction documents, statements of special inspections, structural observation programs, investigation and evaluation reports, geotechnical reports, and other data shall be submitted with each application for a building permit.

[NY] 113.2 Construction documents. Construction documents shall be in accordance with Sections 113.2.1 through 113.2.9.

[NY] 113.2.1 Information on construction documents. Construction documents shall:

1. Define the scope of the proposed work;
2. Be of sufficient clarity to indicate the location, nature and extent of the proposed work;
3. Show in detail that the proposed work will conform to the provisions of the *Uniform Code*, the *Energy Code*, and other applicable laws;
4. Include all information required by any provision of this code or by any other applicable provisions of the *Uniform Code* or the *Energy Code;*
5. Include any and all additional information and documentation that may be required by the stricter of the *Code Enforcement Program* of the *authority having jurisdiction* or *Part 1203—Compliant Code Enforcement Program*; and
6. Be dimensioned and drawn to an appropriate scale.

[NY] 113.2.1.1 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by any applicable provision of the *Uniform Code* or the *Energy Code*, shall be available on the job site at the time of inspection.

[NY] 113.2.2 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to Chapter 9 of the *Building Code of New York State*, any other applicable provision of the *Uniform Code*, and the construction documents. Such shop drawings shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the *Building Code of New York State* or in any other applicable provision of the *Uniform Code*.

[NY] 113.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of the *Uniform Code*. In other than *occupancies* in Groups R-2, R-3, and I-1, the construction documents shall designate the number of *occupants* to be accommodated on every floor, and in all rooms and spaces.

[NY] 113.2.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the *Uniform Code* and the *Energy Code*. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

[NY] 113.2.5 Exterior balconies and elevated walking surfaces. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

[NY] 113.2.6 Site plan. The construction documents submitted with the application for building permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing *structures* and construction that are to remain on the site or plot. The *code official* is authorized to waive or modify the requirement for a site plan where the application for a building permit is for alteration or repair or where otherwise warranted.

[NY] 113.2.6.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the *Building Code of New York State* or Section R306.1.4 of the *Residential Code of New York State*, as applicable.

[NY] 113.2.6.2 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 of the *Building Code of New York State* or Section R306.3.9 of the *Residential Code of New York State*, as applicable, shall be submitted to the *code official* prior to the final inspection.

[NY] 113.2.7 Structural information. The construction documents shall provide the information specified in Section 1603 of the *Building Code of New York State*.

[NY] 113.2.8 Relocatable buildings. Construction documents for relocatable buildings shall comply with Section 3112 of the *Building Code of New York State*.

[NY] 113.2.9 Design professional. Construction documents shall be prepared by a registered design professional where required by Article 145 or Article 147 of the New York State Education Law, by the stricter of the *Code Enforcement Program* of the a*uthority having jurisdiction* or a *Part 1203—Compliant Code Enforcement Program*, or by any other applicable law.

[NY] SECTION 114—SERVICE UTILITIES

[NY] 114.1 Notice of disconnection of service utilities. The *owner* shall notify the *code official* of the disconnection of any utility service to the building, *structure*, or system regulated by the *Uniform Code*.

[NY] SECTION 115—INSPECTION OF SOLID FUEL-BURNING HEATING APPLIANCES, CHIMNEYS, AND FLUES

[NY] 115.1 General. This section is made part of the *Uniform Code* pursuant to Executive Law Section 378(5-c).

[NY] 115.2 Permit. Prior to the installation of any solid fuel-burning heating appliance, chimney or flue in any dwelling used as a residence, the *owner* thereof shall first secure a permit from the *authority having jurisdiction*.

[NY] 115.3 Installation and Inspection. An appropriate and qualified inspector, as determined by the *authority having jurisdiction*, shall cause an inspection to be made of the solid fuel-burning heating appliance, chimney or flue at a time when such inspection will best determine conformity of such installation with the *Uniform Code*.

Exception: The *authority having jurisdiction* may waive such inspection for good cause shown.

[NY] 115.4 Certificate of compliance. Upon *approval* of such installation, the *code official* or other appropriate official of the *authority having jurisdiction* shall issue a certificate evidencing compliance with the appropriate provisions of the *Uniform Code* (such certificate being hereinafter referred to as a "certificate of compliance"). No *owner* of any dwelling used as a residence shall operate, or cause to be operated, any solid fuel-burning heating appliance until such installation, including chimney and flue, has been *approved* and a certificate of compliance has been obtained from the *authority having jurisdiction*.

[NY] 115.4.1 Accidental fire. In the event of an accidental fire in a solid fuel-burning heating appliance, chimney or flue requiring the services of a fire department, the chief of the responding fire department may issue a temporary thirty-day certificate indicating substantial conformity with the *Uniform Code*.

The *authority having jurisdiction* shall cause an inspection to be made by an official inspector, as determined by the *Code Enforcement Program* of the *authority having jurisdiction*, and a new certificate to be issued indicating conformity of such solid fuel-burning heating appliance, chimney or flue with the *Uniform Code*.

[NY] 115.4.2 Liability. Pursuant to Executive Law Section 378(5-c)(f), the issuance of a certificate of compliance shall not be deemed to give rise to any claim or cause of action for damages against the *authority having jurisdiction* or any official of the *authority having jurisdiction* for damages resulting from operation or use of such solid fuel-burning heating appliance, chimney or flue.

[NY] 115.5 Fee. The *authority having jurisdiction* may establish and collect a reasonable fee for such inspection from the *owner* of such property or such *owner*'s agent.

[NY] 115.6 Violations. Pursuant to Executive Law Section 378(5-c)(h), any violation of this section shall be deemed a violation and shall be punishable by a fine not to exceed two hundred fifty dollars.

[NY] 115.7 Emergency repair. Where equipment replacements and repairs must be performed in an emergency situation and where a delay occasioned by the requirement of securing a permit could reasonably be expected to cause irreparable damage to the property or serious personal injury to the *occupants* or other *person*, the *owner* may commence such installation without first obtaining such permit provided application therefor is filed within three business days after such work is commenced.

INTERNATIONAL CODE COUNCIL®

CHAPTER

2 DEFINITIONS

User notes:

About this chapter: *Codes, by their very nature, are technical documents. Every word, term and punctuation mark can add to or change the meaning of a technical requirement. It is necessary to maintain a consensus on the specific meaning of each term contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the code.*

SECTION 201—GENERAL

[NY] 201.1 Scope. Unless otherwise expressly stated, the words and terms provided in italics shall, for the purposes of this code, have the meanings shown in this chapter or as defined within the chapter or appendix where the word or term is found, except as provided in Sections 201.3 and 201.4.

[NY] 201.2 Interchangeability. Words and terms stated in the present tense include the future; words and terms stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

[NY] 201.3 Words and terms defined in other codes. Where italicized words and terms are not defined in this code and are defined in the *Building Code of New York State*, *Existing Building Code of New York State*, *Fire Code of New York State*, *Fuel Gas Code of New York State*, *Mechanical Code of New York State*, *Plumbing Code of New York State*, *Residential Code of New York State*,or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

[NY] 201.4 Words and terms not defined. Where words and terms are not italicized, or are italicized but not defined through the methods authorized by this section, such words and terms shall have the meanings defined in applicable referenced standards, statutes, or regulations or shall have the ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "*dwelling unit*," "dwelling," "*premises*," "building," "*rooming house*," "*rooming unit*," "*housekeeping unit*" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202—GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. Acceptable to the *code official*.

[A] APPROVED AGENCY. An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been approved by the code official.

[NY] AUTHORITY HAVING JURISDICTION. The governmental unit or agency responsible for administration and enforcement of this code.

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

[NY] BUILDING CODE OF NEW YORK STATE. The 2025 edition of the publication entitled "*Building Code of New York State*," published by the International Code Council, Inc. (publication date July 2025).

[NY] BUILDING OFFICIAL. See "Code official."

[NY] CHILDREN'S OVERNIGHT CAMP. A property consisting of a tract of land and any tents, vehicles, buildings or other *structures* that may be pertinent to its use, any part of which may be occupied by *persons* under 18 years of age under general supervision for the purpose of outdoor or indoor organized activities and on which provisions are made for overnight occupancy of children. However, the term "children's overnight camp" shall not include any place or facility which has been excepted from the State Sanitary Code by the Commissioner of the New York State Department of Health pursuant to Section 1392(1) of the Public Health Law.

[NY] CODE ENFORCEMENT PROGRAM. The program under which an *authority having jurisdiction* administers and enforces this code, as such program is currently in effect and as such program may hereafter be amended from time to time.

[A] CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

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[BS] DANGEROUS. Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

1. The building or structure has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground.
2. There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or structure under permanent, routine or frequent loads, or under snow, wind, rain, flood, earthquake or other environmental loads when such loads are imminent.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[A] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee *owner*(s) of the property. The *easement* shall be permitted to be for use under, on or above said lot or lots.

EMERGENCY ESCAPE AND RESCUE OPENING. An operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

[NY] ENERGY CODE. The Energy Conservation Construction Code of New York State, adopted pursuant to Article 11 of the New York State Energy Law.

[NY] ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE. The 2025 edition of the publication entitled "Energy Conservation Construction Code of New York State," published by the International Code Council, Inc. (publication date July 2025).

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the *structure*.

[NY] EXISTING BUILDING CODE OF NEW YORK STATE. The 2025 edition of the publication entitled "*Existing Building Code of New York State*," published by the International Code Council, Inc. (publication date July 2025).

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

[NY] FIRE CODE OF NEW YORK STATE. The 2025 edition of the publication entitled "*Fire Code of New York State*," published by the International Code Council, Inc. (publication date July 2025).

[NY] FUEL GAS CODE OF NEW YORK STATE. The 2025 edition of the publication entitled "*Fuel Gas Code of New York State*," published by the International Code Council, Inc. (publication date July 2025).

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

[BE] GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

[BG] HABITABLE SPACE. Space in a *structure* for living, sleeping, eating or cooking. *Bathrooms, toilet rooms*, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

[NY] HISTORIC BUILDING. An existing building or *structure* that is any of the following:

1. Listed, or certified as eligible for listing, in the National Register of *Historic* Places or in the New York State Register of Historic Places.
2. Designated as *historic* under an applicable state or local law.
3. Certified as a contributing resource within a National Register-listed, State Register-listed, or locally designated *historic* district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a *structure* or *premises* of insects, rodents, vermin or other pests.

[NY] INOPERABLE MOTOR VEHICLE. A motor vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power. An inoperable motor vehicle shall be considered unlicensed when it is required to be licensed, registered, permitted, or otherwise *approved* to be operated under state or local law, ordinance, or other regulation, and said license, registration, permit, or other approval has not been properly maintained.

[A] LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit, rooming unit*, building, premise or *structure* by a *person* who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

[NY] LIVE FIRE TRAINING BUILDING. A building in which live fire training evolutions are conducted on a repetitive basis. This shall include, but not be limited to, containerized training *structures*, live fire training *structures*, and training towers.

[NY] MECHANICAL CODE OF NEW YORK STATE. The 2025 edition of the publication entitled "*Mechanical Code of New York State*," published by the International Code Council, Inc. (publication date July 2025).

NEGLECT. The lack of proper maintenance for a building or *structure*.

[A] OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any *person* who has charge, care or control of a *structure* or *premises* that is *let* or offered for *occupancy*.

[A] OWNER. Any *person*, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.

[NY] PART 1202. The regulations set forth in 19 NYCRR Part 1202 ("Uniform Code: Administration and Enforcement in Certain Local Governments"), as currently in effect and as hereafter amended from time to time.

[NY] PART 1203. The regulations set forth in 19 NYCRR Part 1203 ("Uniform Code: Minimum Standards for Administration and Enforcement"), as currently in effect and as hereafter amended from time to time.

[NY] PART 1203—COMPLIANT CODE ENFORCEMENT PROGRAM. A code enforcement program that includes the features required by Part 1203 and satisfies the requirements of Part 1203.

[NY] PART 1204. The regulations set forth in 19 NYCRR Part 1204 ("Uniform Code: Administration and Enforcement by State Agencies"), as currently in effect and as hereafter amended from time to time.

[NY] PART 1205. The regulations set forth in 19 NYCRR Part 1205 ("Uniform Code: Variance Procedures"), as currently in effect and as hereafter amended from time to time.

[A] PEER REVIEW. An independent and objective technical review conducted by an approved third party.

[A] PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

[NY] PLUMBING CODE OF NEW YORK STATE. The 2025 edition of the publication entitled "*Plumbing Code of New York State*" published by the International Code Council, Inc. (publication date July 2025).

[SP] POWER SAFETY COVER. A pool cover that is placed over the water area and is opened and closed with a motorized mechanism activated by a control switch.

[A] PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any *structures* thereon.

[A] PUBLIC WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

[NY] RESIDENTIAL CODE OF NEW YORK STATE. The 2025 edition of the publication entitled "*Residential Code of New York State*," published by the International Code Council, Inc. (publication date July 2025).

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

[SP] SAFETY COVER. A structure, fabric or assembly, along with attendant appurtenances and anchoring mechanisms, that is temporarily placed or installed over an entire pool, spa or hot tub and secured in place after all bathers are absent from the water.

[A] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

[BS] STORM SHELTER. A building, structure or portion thereof, constructed in accordance with ICC 500, designated for use during hurricanes, tornadoes or other severe windstorms.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

[A] STRUCTURE. That which is built or constructed.

[NY] SUMMER CAMP CABIN. A sleeping quarter which:

1. Is located in a children's overnight camp.
2. Has a sleeping capacity of fewer than 25 occupants, with a total combined sleeping room floor area of 1,200 square feet (1115 m^2) or less for all sleeping rooms.
3. Is one story.
4. Is used and occupied only between June 1 and September 14.
5. Has no cooking facilities, no heating systems, and no solid fuel heating or burning systems.
6. Has only sleeping rooms (including the necessary area for storing occupant belongings) and *bathrooms*.
7. Has no interior corridors or separate common area rooms.
8. Has at least two exits per sleeping room which are remote from each other and which discharge directly to the building's exterior.
9. Has exit doors that open in the direction of, and are non-locking against, egress.
10. Has smoke alarms in each sleeping room that are interconnected such that the activation of one alarm will activate all of the alarms in the cabin.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

[NY] TOWNHOUSE. A building that contains three or more attached *townhouse units*.

[NY] TOWNHOUSE UNIT. A single-family *dwelling unit* in a *townhouse* that extends from foundation to roof, has a yard or public way on not less than two sides, and has a separate means of egress.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

[NY] UNIFORM CODE. The New York State Uniform Fire Prevention and Building Code, adopted pursuant to Article 18 of the New York State Executive Law, as currently in effect and as hereafter amended from time to time.

[M] VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

[NY] WEEDS. Uncultivated vegetation such as grasses, brush, briars, and annual plants, excluding trees and cultivated vegetation, such as shrubs, flowers, gardens, and vegetation used for agricultural purposes.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

[Z] YARD. An open space on the same lot with a *structure*.

CHAPTER

3 GENERAL REQUIREMENTS

User notes:

About this chapter: *Chapter 3 is broad in scope and includes a variety of requirements for the maintenance of exterior property areas, as well as the interior and exterior elements of the structure, that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Specifically, Chapter 3 contains criteria for the maintenance of building components; vacant structures and land; the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; extermination of insects and rodents; access barriers to swimming pools, spas and hot tubs; vehicle storage and owner/occupant responsibilities.*

SECTION 301—GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of *persons* for maintenance of *structures*, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the *structures* and *exterior property* in compliance with these requirements and the code under which the building was constructed, except as otherwise provided for in this code. The *owner* or owner's agent shall be responsible to ensure that any repairs, additions or alterations to the building or portion thereof are performed or constructed in accordance with the *Building Code of New York State*, *Residential Code of New York State* or *Existing Building Code of New York State*. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit, rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit* or *premises* they occupy and control.

[NY] 301.3 Vacant structures and land. Vacant *structures, premises,* and portions thereof, or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302—EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

[NY] 302.4 Weeds. Except as provided for in statute, local law, ordinance, or other regulations, all developed areas of a *premises* that are intended to be used by building *occupants* or the public shall be maintained free from *weeds* in excess of 10 inches (254 mm). Noxious *weeds* shall be prohibited.

302.5 Rodent harborage. *Structures* and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory *structures*, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

[NY] 302.8 Motor vehicles. Except as provided for in statute, local law, ordinance or other regulations, not more than one *inoperable motor vehicle* shall be parked, kept or stored on any *premises*, and no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of motor vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A motor vehicle of any type is permitted to be stored or undergo major overhaul, including body work, provided that such work is performed or the motor vehicle is stored inside a *structure* or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. A *person* shall not willfully or wantonly damage, mutilate or deface any exterior surface of any *structure* or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

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SECTION 303—SWIMMING POOLS, SPAS AND HOT TUBS

[NY] 303.1 Swimming pools. *Swimming pools*, hot tubs, and spas, including their associated enclosures, alarms, and entrapment protection, shall be installed in accordance with sections 303.2 through 303.4 and maintained in a clean and sanitary condition, and in good repair.

[NY] 303.2 Enclosures. In order to provide protection against potential drowning and near drowning, all *swimming pools*, spas, and hot tubs shall be provided with a permanent enclosure that restricts access to *swimming pools*, spas and hot tubs, in compliance with this section. Enclosures for *swimming pools*, spas, and hot tubs which are situated on the premises of dwellings regulated under *Residential Code of New York State*, and detached dwellings classified as R-3 and constructed under the *Building Code of New York State* shall be in compliance with Section R328 of the *Residential Code of New York State*. Enclosures for all other *swimming pools*, spas, and hot tubs shall be in compliance with Section 3109 of the *Building Code of New York State*.

Exception: *Swimming pools*, hot tubs, and spas that have a permanent barrier installed and maintained in accordance with the barrier requirements of the version of the *Uniform Code* in effect at the time of the installation shall be deemed to be in compliance with this section.

[NY] 303.3 Swimming pool, hot tub, and spa alarms. A *swimming pool*, hot tub, or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm in compliance with Section R328.6 of the *Residential Code of New York State* or Section R3109.5 of the *Building Code of New York State*.

Exceptions:

1. A hot tub or spa equipped with a safety cover that complies with ASTM F1346.
2. A *swimming pool* (other than a hot tub or spa) equipped with an automatic power safety cover that complies with ASTM F1346.

[NY] 303.4 Entrapment protection for swimming pools and spas. *Swimming pools* and spas shall maintain body entrapment protections for suction outlets in accordance with the *Building Code of New York State* or the *Residential Code of New York State*, as applicable.

SECTION 304—EXTERIOR STRUCTURE

304.1 General. The exterior of a *structure* shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Potentially unsafe conditions. The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the *Existing Building Code of New York State*, the *Residential Code of New York State* or the *Building Code of New York State*:

1. Structural members have *deterioration* or distress that appears to reduce their load-carrying capacity.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations has *deterioration* or distress that appears to reduce its load-carrying capacity.
3. *Structures* or components thereof have *deterioration* or distress that appears to reduce their load-carrying capacity.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
5. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
6. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
7. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper *anchorage* and incapable of supporting all nominal loads and resisting all load effects.
8. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
9. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guard*s and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[NY] 304.2.1 Lead-based paint. In addition to requirements of this code, 40 CFR 745 (titled "Lead-based Paint Poisoning Prevention in Certain Residential Structures"), a regulation issued and enforced by the Federal Environmental Protection Agency, applies to certain activities in buildings that may contain lead-based paint, including renovations performed for compensation in "target housing" and "child-occupied facilities," "abatement" of lead-based paint hazards and other "lead-based paint activities" (as those terms are defined in 40 CFR Part 745).

[NY] 304.3 Address identification. New and existing buildings shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of $^{1}/_{2}$ inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the *structure*. Address identification shall be maintained.

Exception: Buildings subject to address identification requirements as part of a countywide 911 numbering system that allows first responders to identify the address when responding.

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper *anchorage* and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper *anchorage* and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

[NY] 304.14 Insect screens. During the period from May 15 to September 15, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupant*s and property within.

304.18.1 Doors. Doors providing access to an individual *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or *let* where equipped with a deadbolt lock, the deadbolt shall be designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or *let* shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or *let* shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305—INTERIOR STRUCTURE

305.1 General. The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the *structure* that they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house, housekeeping units*, a hotel, a dormitory, two or more *dwelling unit*s or two or more nonresidential *occupancies*, shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

305.1.1 Potentially unsafe conditions. The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the *Existing Building Code of New York State*, the *Residential Code of New York State* or the *Building Code of New York State*:

1. Structural members have *deterioration* or distress that appears to reduce their load-carrying capacity.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations has *deterioration* or distress that appears to reduce its load-carrying capacity.
3. *Structures* or components thereof have *deterioration* or distress that appears to reduce their load-carrying capacity.
4. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
5. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

[NY] 305.3.1 Lead-based paint. In addition to requirements of this code, 40 CFR 745 (titled "Lead-based Paint Poisoning Prevention in Certain Residential Structures"), a regulation issued and enforced by the Federal Environmental Protection Agency, applies to certain activities in buildings that may contain lead-based paint, including renovations performed for compensation in "target housing" and "child-occupied facilities," "abatement" of lead-based paint hazards and other "lead-based paint activities" (as those terms are defined in 40 CFR Part 745).

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306—COMPONENT SERVICEABILITY

306.1 General. The components of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Potentially unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be considered to be unsafe and shall be addressed in compliance with the *Existing Building Code of New York State*, the *Residential Code of New York State* or the *Building Code of New York State*:

1. Soils that have been subjected to any of the following conditions:
    - 1.1. Collapse of footing or foundation system.
    - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
    - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
    - 1.4. Inadequate soil as determined by a geotechnical investigation.
    - 1.5. Where the allowable bearing capacity of the soil is in doubt.
    - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
    - 2.1. *Deterioration.*
    - 2.2. *Ultimate deformation.*
    - 2.3. Fractures.
    - 2.4. Fissures.
    - 2.5. Spalling.
    - 2.6. Exposed reinforcement.
    - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
    - 3.1. *Deterioration.*
    - 3.2. Corrosion.
    - 3.3. Elastic deformation.
    - 3.4. *Ultimate deformation.*
    - 3.5. Stress or strain cracks.
    - 3.6. Joint fatigue.
    - 3.7. *Detached*, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
    - 4.1. *Deterioration.*
    - 4.2. *Ultimate deformation.*
    - 4.3. Fractures in masonry or mortar joints.
    - 4.4. Fissures in masonry or mortar joints.
    - 4.5. Spalling.
    - 4.6. Exposed reinforcement.
    - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
    - 5.1. *Deterioration.*
    - 5.2. Elastic deformation.
    - 5.3. *Ultimate deformation.*
    - 5.4. Metal fatigue.
    - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
    - 6.1. Ultimate deformation.
    - 6.2. Deterioration.
    - 6.3. Damage from insects, rodents and other vermin.
    - 6.4. Fire damage beyond charring.

6.5. Significant splits and checks.
6.6. Horizontal shear cracks.
6.7. Vertical shear cracks.
6.8. Inadequate support.
6.9. *Detached*, dislodged or failing connections.
6.10. Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

SECTION 307—HANDRAILS AND GUARDRAILS

307.1 Handrails. Stairs having more than four risers shall have a handrail on one side of the stair.

307.1.1 Height. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

307.2 Guards. *Guards* shall be provided along open-sided walking surfaces, including balconies, porches, decks, stairs, ramps and landings, that are more than 30 inches (762 mm) above the floor or grade below.

Exception: *Guards* shall not be required where exempted by the adopted building code.

307.2.1 Height. *Guards* shall be not less than 30 inches (762 mm) high.

SECTION 308—RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. *Exterior property* and *premises*, and the interior of every *structure*, shall be free from any accumulation of *rubbish* or *garbage*.

308.2 Disposal of rubbish. Every *occupant* of a *structure* shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a *structure* shall dispose of *garbage* in a clean and sanitary manner by placing such *garbage* in an *approved garbage* disposal facility or *approved garbage* containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit;* an *approved* incinerator unit in the *structure* available to the *occupants* in each *dwelling unit;* or an *approved* leakproof, covered, outside *garbage* container.

308.3.2 Containers. The *operator* of every establishment producing *garbage* shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309—PEST ELIMINATION

309.1 Infestation. *Structures* shall be kept free from insect and rodent *infestation*. *Structures* in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any *structure* shall be responsible for *pest elimination* within the *structure* prior to renting or leasing the *structure*.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential *structure* shall be responsible for *pest elimination* on the *premises*.

309.4 Multiple occupancy. The *owner* of a *structure* containing two or more *dwelling unit*s, a multiple *occupancy*, a *rooming house* or a nonresidential *structure* shall be responsible for *pest elimination* in the public or shared areas of the *structure* and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for *pest elimination*.

309.5 Occupant. The *occupant* of any *structure* shall be responsible for the continued rodent and pest-free condition of the *structure*.

Exception: Where the *infestations* are caused by defects in the *structure*, the *owner* shall be responsible for *pest elimination*.

SECTION 310—ACCESSIBILITY

310.1 General. A facility that is required to be accessible shall be maintained accessible during *occupancy*.

310.1.1 Maintenance. The accessible features of a facility shall be maintained in good repair, in a clean, structurally sound and sanitary condition, and free from impediments to accessibility.

SECTION 311—STORM SHELTERS

311.1 General. Community *storm shelters* shall be evaluated, maintained and repaired in accordance with this section and ICC 500.

311.2 Evaluation. Community *storm shelters* shall be evaluated annually and when requested by the *authority having jurisdiction* in accordance with ICC 500.

311.3 Maintenance and repairs. Community *storm shelters* shall be maintained in an operable condition. All structural and operational elements shall be repaired or replaced in accordance with ICC 500 where damaged or found to be inoperable.

[NY] SECTION 312 LIVE FIRE TRAINING BUILDINGS.

[NY] 312.1 Live fire training buildings. *Live fire training facilities* and any appurtenances connected or attached to such buildings or *structures* shall be maintained in accordance with the applicable provisions of NFPA 1402 and this code.

[NY] SECTION 313 PARKING GARAGE CONDITION ASSESSMENTS

[NY] 313.1 Parking garage condition assessments. The *owner* or operator of each parking garage, as defined in Appendix C, shall ensure condition assessments are performed for such parking garage in accordance with Appendix C.

[NY] SECTION 314 DIAPER CHANGING STATIONS

[NY] 314.1 Diaper changing stations. Diaper changing stations shall be maintained in a safe, sanitary, and working condition in accordance with the requirements of Appendix R of the *Building Code of New York State* and Appendix F of the *Existing Building Code of New York State*.

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CHAPTER

4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

User notes:

About this chapter: *Chapter 4 sets forth requirements to establish the minimum environment for occupiable and habitable buildings by establishing the minimum criteria for light and ventilation and identifying occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding.*

SECTION 401—GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a *structure*.

401.2 Responsibility. The *owner* of the *structure* shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A *person* shall not occupy as *owner-occupant*, or permit another *person* to occupy, any *premises* that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *Building Code of New York State* shall be permitted.

SECTION 402—LIGHT

402.1 Habitable spaces. Every *habitable space* shall have not less than one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a *structure* face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m^2), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential *occupancies*, other than in one-and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m^2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential *occupancies*, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. Other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403—VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have not less than one openable window. The total *openable area* of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

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403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the *structure* in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 404—OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units*, hotel units, *housekeeping units, rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

[NY] 404.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms, toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. In one- and two-family dwellings, rooms occupied exclusively for *bathrooms*, *toilet rooms* and laundry rooms having a minimum ceiling height of 6 feet 8 inches (2033 mm).
4. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.
5. Manufactured housing regulated in the *Residential Code of New York State* shall be permitted to retain ceiling heights provided at time of manufacture.
6. Spaces legally in existence before January 1, 2003, and spaces for which a variance has been legally granted shall be allowed to be occupied.
7. Ceiling heights reduced by necessary repairs shall be no lower than 6 feet, 8 inches (2032 mm).
8. Buildings and structures regulated by the *Residential Code of New York State* which comply with the minimum ceiling height requirements provided in Appendix BO of the *Residential Code of New York State*.

[NY] 404.4 Habitable room requirements. Every habitable room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

Exception: Sleeping quarters housing more than four persons in *children's overnight camps* shall comply with the requirements of Section 404.8.

404.4.1 Room area. Every habitable room shall contain not less than 70 square feet (6.5 m^2) and every bedroom occupied by more than one *person* shall contain not less than 50 square feet (4.6 m^2) of floor area for each *occupant* thereof.

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to not less than one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to not less than one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. *Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum area requirements of Table 404.5.

[NY] TABLE 404.5—MINIMUM AREA REQUIREMENTS			
SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room[a, b]	70	120	150
Dining room[a, b]	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.0929 m^2.
a. See Section 404.5.2 for combined living room/dining room spaces.
b. See Section 404.5.1 for limitations on determining the minimum *occupancy* area for sleeping purposes.

404.5.1 Sleeping area. The minimum *occupancy* area required by Table 404.5 shall not be included as a sleeping area in determining the minimum *occupancy* area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one *occupant* shall have a minimum clear floor area of 120 square feet (11.2 m^2). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 190 square feet (17.7 m^2). A unit occupied by three *occupants* shall have a minimum clear floor area of 260 square feet (24.2 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

404.7 Food preparation. Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

[NY] 404.8 Sleeping quarters in children's overnight camps. For a sleeping quarter which houses more than four *persons* in a *children's overnight camp*:

1. If the building meets the definition of a *summer camp cabin*:
   - 1.1. If the building was constructed prior to 1975, the required minimum floor area is 36 square feet (3.3 m^2) per *occupant* when single beds are provided and 30 square feet (2.8 m^2) of floor area per *occupant* where double-deck bunk beds are provided.
   - 1.2. If the building was constructed on or after January 1, 1975, the required minimum floor area shall be 40 square feet (3.7 m^2) of floor area per *occupant* when single beds are provided and 30 square feet (2.8 m^2) of floor area per *occupant* where double-deck bunk beds are provided.
2. If the building does not meet the definition of a *summer camp cabin*:
   - 2.1. If the building was constructed prior to 1975, the required minimum floor area is 36 square feet (3.3 m^2) per *occupant* when single beds are provided and 30 square feet (2.8 m^2) per *occupant* where double-deck bunk beds are provided.
   - 2.2. If the building was constructed between January 1, 1975 and June 30, 2011, the required minimum floor area is 40 square feet (3.7 m2) per *occupant* when single beds are provided and 30 square feet (2.8 m^2) per *occupant* where double-deck bunk beds are provided.
   - 2.3. If the building was constructed on or after July 1, 2011, the required minimum floor area is 50 square feet (4.6 m^2) per *occupant* in each sleeping room.

This section applies if the entire building used as a sleeping quarter in a *children's overnight camp* houses more than four *persons*, even if one or more individual sleeping rooms in the building house four or fewer *persons*. For the purposes of Section 404.8, "floor area" includes space within the occupied *structure* to accommodate: the bed, storage for personal belongings, aisles and exitways, and associated assembly space. Space for toilets, lavatories, and showers shall not be used to calculate a sleeping quarter's "floor area."

[NY] 404.9 Tiny Houses. The provisions of Section 404 shall not apply to *tiny houses* constructed in accordance with the provisions of the *Residential Code of New York State* and Appendix BB of the *Residential Code of New York State*.

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CHAPTER

5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

User notes:

About this chapter: *Chapter 5 establishes minimum sanitary and clean conditions in occupied buildings by containing requirements for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal systems and related plumbing fixtures. Chapter 5 includes requirements for providing potable water to a building and the basic fixtures to effectively utilize and dispose of that water.*

SECTION 501—GENERAL

[P] 501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the *structure* shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *structure* or *premises* that does not comply with the requirements of this chapter.

SECTION 502—REQUIRED FACILITIES

[NY] 502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

Exception: Owner-occupied one-family dwellings, unless otherwise excluded by statute, local law, ordinance, or other regulations.

[P] 502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] 502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 *occupants*.

[P] 502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

[P] 502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

[P] 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the *Plumbing Code of New York State*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

SECTION 503—TOILET ROOMS

[P] 503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

[P] 503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

[P] 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage *structures* or kiosks, which are located in adjacent *structures* under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

[P] 503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504—PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

[P] 504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

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[P] 504.3 Plumbing system hazards. Where it is found that a plumbing system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505—WATER SYSTEM

[NY] 505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Plumbing Code of New York State*.

Exception: Owner-occupied one-family dwellings, unless otherwise excluded by statute, local law, ordinance, or other regulations.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

[P] 505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

[P] 505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] 505.5 Nonpotable water reuse systems. Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

[P] 505.5.1 Abandonment of systems. Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the *owner* ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the *Plumbing Code of New York State*.

SECTION 506—SANITARY DRAINAGE SYSTEM

[NY] 506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

Exception: Owner-occupied one-family dwellings, unless otherwise excluded by statute, local law, ordinance, or other regulations.

[P] 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[NY] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code, the *Plumbing Code of New York State*, and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the *code official*. Maintenance personnel and the property owner shall ensure the required method of preventing unauthorized access is in good repair and properly secured following any maintenance performed, shall ensure the required signage is properly maintained, and that the grease interceptor is properly maintained to withstand all expected earth, pedestrian, traffic, and other loads as applicable.

SECTION 507—STORM DRAINAGE

[P] 507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

CHAPTER

6

MECHANICAL AND ELECTRICAL REQUIREMENTS

User notes:

About this chapter: *Chapter 6 establishes minimum performance requirements for heating, electrical and mechanical facilities serving existing structures, such as heating and air-conditioning equipment, appliances and their supporting systems; water heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.*

SECTION 601—GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the *structure* shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that does not comply with the requirements of this chapter.

SECTION 602—HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in *structures* as required by this section.

[NY] 602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *Plumbing Code of New York State*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

Exception: Owner-occupied one-family dwellings, unless expressly required by statute, local law, ordinance, or other regulations.

[NY] 602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units, rooming units, sleeping units*, dormitories, or guestrooms on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from September 15th to May 31st to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *Plumbing Code of New York State*.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

[NY] 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 15th to May 31st to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603—MECHANICAL EQUIPMENT

603.1 Mechanical equipment and appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances that are *labeled* for unvented operation.

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

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603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604—ELECTRICAL FACILITIES

[NY] 604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

Exception: Owner-occupied one-family dwellings not supplied with electrical power, unless expressly required by statute, local law, ordinance, or other regulations.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *Building Code of New York State*.

Exceptions: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *Building Code of New York State*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605—ELECTRICAL EQUIPMENT

605.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606—ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the *authority having jurisdiction*.

606.2 Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

606.3 Private residence elevators. Requirements for private residence elevators shall be in accordance with Sections 606.3.1 through 606.3.3.

606.3.1 General. The maintenance of elevators in private residences shall conform to Section 5.3 of ASME A17.1/CSA B44.

606.3.2 Hoistway enclosures. Hoistway enclosures shall comply with Section 5.3.1.1 of ASME A17.1/CSA B44.

606.3.3 Hoistway Opening Protection. Hoistway landing doors for private residence elevators shall comply with Sections 5.3.1.8.1 through 5.3.1.8.3 of ASME A17.1/CSA B44 or Sections 10.1.4.1 through 10.1.4.3 of ASME A17.3.

SECTION 607—DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

607.2 Clothes dryer exhaust duct system maintenance. The lint trap, mechanical and heating components, and the exhaust duct system of a clothes dryer shall undergo periodic removal of accumulations of lint in accordance with the manufacturer's operating instructions to prevent obstruction of exhaust air and products of combustion.

[NY] SECTION 608 ASSISTIVE LISTENING SYSTEMS

[NY] 608.1 General. The *owner* or operator of each assembly space shall have the assistive listening system and all components thereof inspected annually and shall thereupon certify to the local *authority having jurisdiction* that each such system continues to comply with Appendix Q of the *Building Code of New York State*, including the minimum number of required receivers/transducers.

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CHAPTER

7

FIRE SAFETY REQUIREMENTS

User notes:

About this chapter: *Chapter 7 establishes fire safety requirements for existing structures by providing requirements for means of egress, including path of travel, required egress width, means of egress doors and emergency escape openings, and for the maintenance of fire-resistance-rated assemblies, fire protection systems, and carbon monoxide alarm and detection systems.*

SECTION 701—GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to *structures* and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION 702—MEANS OF EGRESS

[BE] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or *structure* to the *public way*. Means of egress shall comply with the code under which the building was constructed.

[NY] 702.2 Aisles. The required width of aisles shall comply with the code under which the building was constructed.

[BE] 702.3 Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Building Code of New York State*.

[BE] 702.4 Emergency escape and rescue openings. Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and both of the following:

1. Required *emergency escape and rescue openings* shall be operational from the inside of the room without the use of keys or tools.
2. Bars, grilles, grates or similar devices are permitted to be placed over *emergency escape and rescue openings* provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Section 907.2.11 of the *Building Code of New York State*. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703—FIRE-RESISTANCE RATINGS

[BF] 703.1 Fire-resistance-rated assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

[BF] 703.2 Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 115.1.1 of the *Fire Code of New York State*. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, *structure* or portion thereof presents an *imminent danger* to the *occupants* of the building, *structure* or portion thereof, the fire *code official* shall act in accordance with Section 115.2 of the *Fire Code of New York State*.

[BF] 703.3 Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the *owner* and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

[BF] 703.3.1 Fire blocking and draft stopping. Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

[BF] 703.3.2 Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

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[BF] 703.3.3 Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

[BF] 703.4 Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

[BF] 703.4.1 Signs. Where required by the *code official,* a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

[BF] 703.4.2 Hold-open devices and closers. Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

[BF] 703.4.3 Door operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

[BF] 703.5 Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

[BF] 703.6 Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

[BF] 703.7 Vertical shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the *Fire Code of New York State*. New floor openings in existing buildings shall comply with the *Building Code of New York State*.

[BF] 703.8 Opening protective closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

SECTION 704—FIRE PROTECTION SYSTEMS

[F] 704.1 Inspection, testing and maintenance. Fire protection and life safety systems shall be maintained in accordance with the *Fire Code of New York State* in an operative condition at all times, and shall be replaced or repaired where defective.

[NY] 704.1.1 Fire protection and life safety systems. Fire protection and life safety systems shall be maintained in accordance with this code the *Fire Code of New York State* and the *Building Code of New York State*.

[F] 704.1.2 Required fire protection and life safety systems. Fire protection and life safety systems required by this code, the *Fire Code of New York State* or the *Building Code of New York State* shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the *Fire Code of New York State* or the *Building Code of New York State* has been granted shall be considered to be a required system.

[F] 704.1.3 Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following *Fire Code of New York State* requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.13.5.
3. Automatic water mist extinguishing systems, see Section 904.11.3.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.5.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.
13. Single- and multiple-station smoke alarms, see Section 907.2.9.2.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.22.
16. Wet-chemical extinguishing systems, see Section 904.5.
17. Duct and air transfer openings, see Section 706.1.

[F] 704.2 Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

TABLE 704.2—FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Fire dampers	NFPA 80
Smoke dampers	NFPA 105
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

[F] 704.2.1 Records. Records shall be maintained of all system inspections, tests and maintenance in accordance with Section 109.3 of the *Fire Code of New York State*.

[F] 704.2.2 Records information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

[F] 704.3 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire *code official* shall be notified immediately and, where required by the fire *code official*, either the building shall be evacuated or an *approved* fire watch shall be provided for all *occupants* left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one *approved* means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected *premises* and keeping watch for fires. Actions shall be taken in accordance with Section 901.7 of the *Fire Code of New York State* to bring the systems back in service.

Exception: Facilities with an *approved* notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

[F] 704.3.1 Emergency impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the *Fire Code of New York State*.

[F] 704.4 Removal of or tampering with equipment. It shall be unlawful for any *person* to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

[F] 704.4.1 Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire *code official* shall not be removed, unlocked, destroyed or tampered with in any manner.

[F] 704.4.2 Removal of existing occupant-use hose lines. The fire *code official* is authorized to permit the removal of existing *occupant*-use hose lines where all of the following apply:

1. The installation is not required by the *Fire Code of New York State* or the *Building Code of New York State*.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

[F] 704.4.3 Termination of monitoring service. For fire alarm systems required to be monitored by the *Fire Code of New York State*, notice shall be made to the fire *code official* whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

[F] 704.5 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire *code official*.

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[F] 704.5.1 Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be *approved* by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the *Fire Code of New York State* and a means of emergency operation. The gate and the means of emergency operation shall be *approved* by the fire chief and maintained operational at all times.

[F] 704.5.2 Clear space around connections. A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

[NY] 704.6 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed and maintained in existing Group I-1 and R *occupancies* and in dwellings regulated by the *Residential Code of New York State* in accordance with Sections 704.6.1 through 704.6.3.

[NY] 704.6.1 Where required. Existing Group I-1 and R *occupancies* and dwellings regulated by the *Residential Code of New York State* shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in *occupancies* and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.
4. Group R-2 occupancies used as dormitories, fraternities, sororities and similar student housing and meeting the requirements of Section 907.2.9.3 of *Fire Code of New York State*.

[NY] 704.6.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the *sleeping unit*.
3. In each story within the *sleeping unit*, including *basements*. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. In each common space shared by three or more *dwelling units* such that an alarm notification is clearly audible in each common space. For the purpose of this provision, common space shall mean any spaces accessible by all residents, including, but not limited to, lobbies, hallways, and stairwells.

[NY] 704.6.1.2 Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 and in dwellings regulated by the *Residential Code of New York State*, regardless of *occupant load* at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. In each common space shared by three or more dwelling units such that an alarm notification is clearly audible in each common space. For the purpose of this provision, common space shall mean any spaces accessible by all residents, including, but not limited to, lobbies, hallways, and stairwells.

[F] 704.6.1.3 Installation near cooking appliances. Smoke alarms shall be installed a minimum of 10 feet (3.0 m) horizontally from a permanently installed cooking appliance.

Exception: Smoke alarms shall be permitted to be installed a minimum of 6 feet (1.8 m) horizontally from a permanently installed cooking appliance where necessary to comply with Section 704.6.1.1 or 704.6.1.2.

[F] 704.6.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a *bathroom* that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

[F] 704.6.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling* or *sleeping unit*, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing *alterations*, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for interconnection without the removal of interior finishes.

[F] 704.6.3 Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

[F] 704.6.4 Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the *Fire Code of New York State*.
2. Activation of a smoke detector in a dwelling or *sleeping unit* shall initiate alarm notification in the *dwelling* or *sleeping unit* in accordance with Section 907.5.2 of the *Fire Code of New York State*.
3. Activation of a smoke detector in a *dwelling* or *sleeping unit* shall not activate alarm notification appliances outside of the *dwelling* or *sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the *Fire Code of New York State*.

[F] 704.7 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions and this code.

[F] 704.7.1 Replacement. Smoke alarms shall be replaced where any of the following apply:

1. The smoke alarm fails to respond to operability tests.
2. Where the smoke alarm exceeds 10 years from the date of manufacture marked on the unit, unless an earlier replacement is specified in the manufacturer's instructions.
3. The smoke alarm end-of-life signal is sounded.
4. The smoke alarm date of manufacturer cannot be determined.

SECTION 705—CARBON MONOXIDE ALARMS AND DETECTION

[NY] 705.1 Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be installed and maintained in accordance with Section 915 of the *Fire Code of New York State*.

[NY] 705.2 Evacuation notices. Evacuation notices (fire-safety notices) required by the *Fire Code of New York State* or the *Residential Code of New York State* shall be affixed in such a manner and location as required by the *Fire Code of New York State* or the *Residential Code of New York State* and shall be clearly visible, legible, and unobstructed.

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CHAPTER

8 REFERENCED STANDARDS

User notes:

About this chapter: *This code contains numerous references to standards promulgated by other organizations that are used to provide requirements for materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in this code. These standards, in essence, are part of this code to the extent of the reference to the standard.*

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.8.

An asterisk (*) denotes standards that are incorporated by reference into 19 NYCRR Part 1226.

ASME

American Society of Mechanical Engineers
Two Park Avenue, New York, NY 10016-5990

***ASME A17.1—2022/CSA B44—2022: Safety Code for Elevators and Escalators**
606.1

***ASME A17.3—2020: Safety Code for Existing Elevators and Escalators**
606.3.3

ASTM

ASTM International
100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959

F1346—1991 (2018): Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs
303.3

CPSC

Consumer Product Safety Commission 4330 East-West Highway Bethesda, MD 20814

40 CFR Part 745 (2023): Federal swimming pool and spa drain cover standard
304.2.1, 305.3.1

ICC

International Code Council
200 Massachusetts Avenue, NW, Suite 250, Washington, DC 20001

***BCNYS—25: Building Code of New York State**
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 401.3, 604.3.1.1, 604.3.2.1, 608.1, 702.3, 704.4.2

***ICC 500—2020: ICC/NSSA Standard for the Design and Construction of Storm Shelters**
202, 311.1, 311.2, 311.3

***EBCNYS—25: Existing Building Code of New York State**
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1

***ECCNYS—25: Energy Conservation Construction Code of New York State**
102.3

***FCNYS—25: Fire Code of New York State**
102.3, 201.3, 604.3.1.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1, 704.4.2, 704.4.3, 704.5.1, 704.6.4, 705.1, 705.2

***FGCNYS—25: Fuel Gas Code of New York State**
102.3, 201.3

***MCNYS—25: Mechanical Code of New York State**
102.3, 201.3

***PCNYS—25: Plumbing Code of New York State**
102.3, 201.3, 502.5, 505.1, 505.5.1, 602.2, 602.3

***RCNYS—25: Residential Code of New York State**
102.3, 201.3, 404.3, 404.9, 704.6, 705.2

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NFPA

National Fire Protection Association
1 Batterymarch Park, Quincy, MA 02169-7471

***10—22: Standard for Portable Fire Extinguishers**
Table 704.2

***12—22: Standard on Carbon Dioxide Extinguishing Systems**
Table 704.2

***12A—22: Standard on Halon 1301 Fire Extinguishing Systems**
Table 704.2

***17—2021: Standard for Dry Chemical Extinguishing Systems**
Table 704.2

***17A—2021: Standard for Wet Chemical Extinguishing Systems**
Table 704.2

***25—23: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems**
Table 704.2

***70—23: National Electrical Code**
102.3, 201.3, 604.2

***72—22: National Fire Alarm and Signaling Code**
Table 704.2

***80—22: Standard for Fire Doors and Other Opening Protectives**
703.3.3, 703.4, Table 704.2

***105—22: Standard for Smoke Door Assemblies and Other Opening Protectives**
703.3.2, Table 704.2

***204—21: Standard for Smoke and Heat Venting**
Table 704.2

***750—23: Standard on Water Mist Fire Protection Systems**
Table 704.2

***1402—19: Standard on Facilities for Fire Training and Associated Props**
312.1

***2001—22: Standard on Clean Agent Fire Extinguishing Systems**
Table 704.2

UL

Underwriters Laboratories, LLC
333 Pfingsten Road, Northbrook, IL 60062

268—2016: Smoke Detectors for Fire Alarm Systems—with revisions through July 2016
704.6.4

APPENDIX

A

BOARDING STANDARD

This appendix is informative and is not part of this code.

User notes:

About this appendix: *Appendix A provides minimum specifications for boarding a structure. This can be utilized by a jurisdiction as a set of minimum requirements in order to result in consistent boarding quality. These requirements also provide a reasonable means to eliminate having to approve numerous methods or materials for the boarding and securing of a structure.*

SECTION A101—GENERAL

A101.1 General. Windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing *structure*.

SECTION A102—MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum $^{1}/_{2}$-inch-thick (12.7 mm) wood structural panels complying with the *International Building Code*.

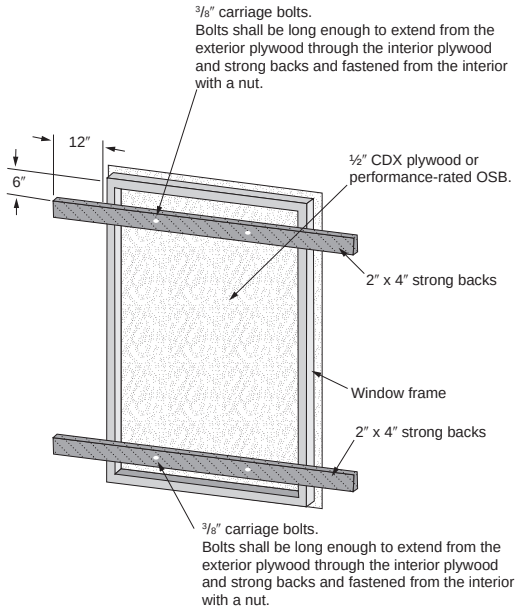
A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum $^{3}/_{8}$-inch-diameter (9.5 mm) carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

SECTION A103—INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

FIGURE A103.1(1)—BOARDING OF DOOR OR WINDOW


3/8″ carriage bolts.
Bolts shall be long enough to extend from the exterior plywood through the interior plywood and strong backs and fastened from the interior with a nut.
12″
6″
½″ CDX plywood or performance-rated OSB.
2″ x 4″ strong backs
Window frame
2″ x 4″ strong backs
3/8″ carriage bolts.
Bolts shall be long enough to extend from the exterior plywood through the interior plywood and strong backs and fastened from the interior with a nut.

For SI: 1 inch = 25.4 mm.

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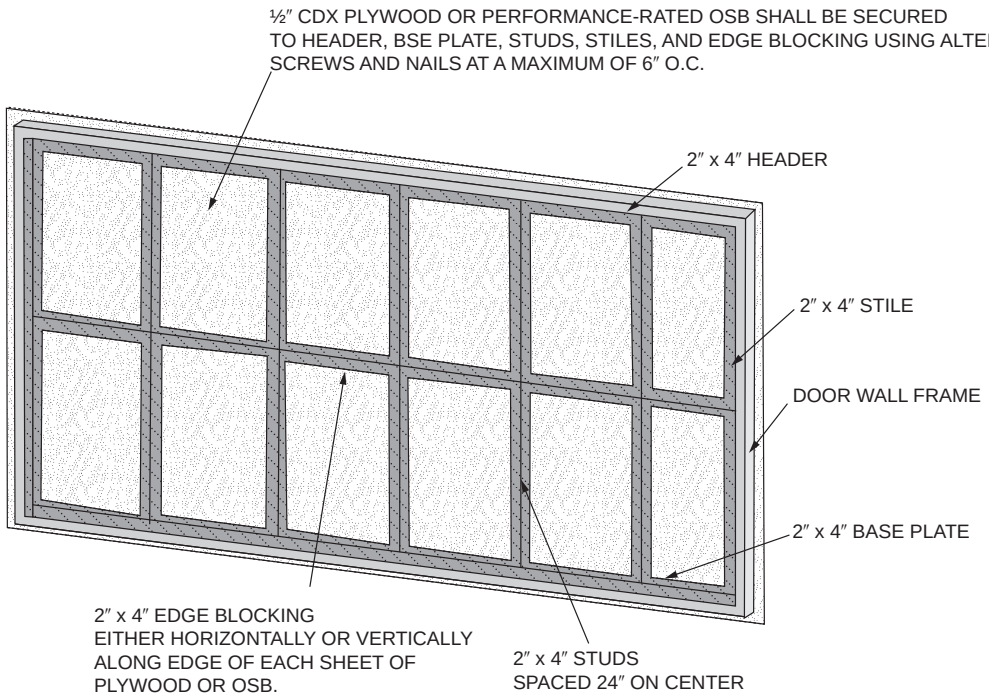
FIGURE A103.1(2)—BOARDING OF DOOR WALL


½″ CDX PLYWOOD OR PERFORMANCE-RATED OSB SHALL BE SECURED TO HEADER, BSE PLATE, STUDS, STILES, AND EDGE BLOCKING USING ALTERNATE SCREWS AND NAILS AT A MAXIMUM OF 6″ O.C.
2″ x 4″ HEADER
2″ x 4″ STILE
DOOR WALL FRAME
2″ x 4″ BASE PLATE
2″ x 4″ EDGE BLOCKING EITHER HORIZONTALLY OR VERTICALLY ALONG EDGE OF EACH SHEET OF PLYWOOD OR OSB.
2″ x 4″ STUDS SPACED 24″ ON CENTER

For SI: 1 inch = 25.4 mm.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the *structure* shall be available for authorized entry and shall be secured and locked in an *approved* manner.

SECTION A104—REFERENCED STANDARD

A104.1 Referenced standards. Table A104.1 lists the standard that is referenced in various sections of this appendix. The standard is listed herein by the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.8.

TABLE A104.1—REFERENCED STANDARD

STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
IBC—24	*International Building Code*	A102.1, A102.2, A102.3

APPENDIX

B

[NY] RESERVED

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APPENDIX

C

[NY] PARKING GARAGE CONDITION ASSESSMENTS

User notes:

About this appendix: *Appendix C provides requirements for condition assessments of new and existing parking garages, including both initial condition assessments and periodic condition assessments.*

[NY] SECTION C101—GENERAL

[NY] C101.1 General. In addition to any inspections or assessments required elsewhere in this code, the *Uniform Code*, the local *Code Enforcement Program*, or any local, state, or federal law, all *parking garages* shall undergo an initial *condition assessment* as described herein.

[NY] SECTION C102 DEFINITIONS

[NY] C102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

[NY] CONDITION ASSESSMENT. An on-site inspection and evaluation of a *parking garage* for evidence of *deterioration* of any structural element or building component, evidence of the existence of any *unsafe condition*, and/or evidence indicating that the *parking garage* is an *unsafe structure*.

[NY] DETERIORATION. The weakening, disintegration, corrosion, rust, or decay of any structural element or building component or any other loss of effectiveness of a structural element or building component.

[NY] PARKING GARAGE. Any building or *structure*, or part thereof, in which any structural level, or part thereof is used for parking or storage of *motor vehicles*, excluding all of the following:

1. Buildings in which the only level used for parking or storage of *motor vehicles* is entirely supported on soil or engineered fill, and not supported on structural framing.
2. An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling.
3. A *townhouse unit* with attached parking exclusively for such unit.

[NY] PROFESSIONAL ENGINEER. An individual who is licensed or otherwise authorized under article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations.

[NY] RESPONSIBLE PROFESSIONAL ENGINEER. The *professional engineer* who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the *condition assessment* report.

[NY] UNSAFE CONDITION. The conditions identified as unsafe in sections 304.1.1, 305.1.1, and 306.1.1 of this code.

[NY] UNSAFE STRUCTURE. A structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[NY] C103 CONDITION ASSESSMENTS

[NY] C103.1 Responsibility. It shall be the responsibility of the *owner* or operator of a *parking garage* to ensure all *condition assessments* are performed as required in Sections C104 through C106.

[NY] C103.2 Qualifications. Each *condition assessment* shall be conducted by or under the direct supervision of a *responsible professional engineer*.

[NY] C103.3 Reports. A written report of each *condition assessment* shall be prepared and provided to the *authority having jurisdiction*, in accordance with the requirements of Section C107. Before performing a *condition assessment* (other than the initial *condition assessment*) of a *parking garage*, the *responsible professional engineer* for such *condition assessment* shall review all available previous *condition assessment* reports for such *parking garage*.

[NY] C104 INITIAL CONDITION ASSESSMENT

[NY] C104.1 Initial condition assessment. Each newly constructed *parking garage* shall undergo an initial *condition assessment* in accordance with Section 406.9 of the *Building Code of New York State*. In accordance with previous requirements for initial *condition assessments*, all *parking garages* legally in existence at the time of adoption of this code shall have already had an initial *condition assessment* performed as outlined below in Sections C104.2 through C104.3.3.

[NY] C104.2 Parking garages constructed on or after August 29, 2018. *Parking garages* constructed on or after August 29, 2018, shall undergo an initial *condition assessment* following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

[NY] C104.3 Parking garages constructed prior to August 29, 2018. *Parking garages* originally constructed prior to August 29, 2018, shall have undergone an initial *condition assessment* in accordance with Section C104.3.1 through C104.3.3.

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[NY] C104.3.1 Parking garages constructed prior to January 1, 1984. *Parking garages* originally constructed prior to January 1, 1984, shall have undergone an initial *condition assessment* prior to October 1, 2019.

[NY] C104.3.2 Parking garages constructed between January 1, 1984 and December 31, 2002. *Parking garages* constructed between January 1, 1984 and December 31, 2002, shall have undergone an initial *condition assessment* prior to October 1, 2020.

[NY] C104.3.3 Parking garages constructed between January 1, 2003 and August 28, 2018. *Parking garages* constructed between January 1, 2003 and August 28, 2018, shall have undergone an initial *condition assessment* prior to October 1, 2021.

[NY] C105 PERIODIC CONDITION ASSESSMENT

[NY] C105.1 Periodic condition assessments. Following the initial *condition assessment* of a *parking garage*, such *parking garage* shall undergo periodic *condition assessments* at intervals not to exceed three years. Periodic *condition assessments* may be required at a shorter period as specified by either the *authority having jurisdiction* in its *Code Enforcement Program* or as recommended in accordance with Section C106.

[NY] C105.2 Inspector qualifications. *Condition assessments* shall be performed by, or under the supervision of, the *responsible professional engineer.*

[NY] C106 ADDITIONAL CONDITION ASSESSMENTS

[NY] C106.1 Where required. In addition to the periodic c*ondition assessments* required under Section C105, additional *condition assessments* shall be performed in accordance with Sections C106.2 through C106.3

[NY] C106.2 Recommendations of a condition assessment report. If the latest *condition assessment* report for a *parking garage* includes a recommendation that an additional *condition assessment* be performed prior to the date by which the next periodic *condition assessment* is required in accordance with Section C105, an additional *condition assessment* shall be performed no later than the date recommended.

[NY] C106.3 Additional condition assessments based on new or increased deterioration. If the *authority having jurisdiction* determines, based on new or increased *deterioration*, that an additional *condition assessment* of the *parking garage*, or portion thereof is necessary, the additional *condition assessment* shall be performed no later than the date specified by the *authority having jurisdiction*.

[NY] C107 CONDITION ASSESSMENT REPORTS

[NY] C107.1 Condition assessment reports. The *responsible professional engineer* shall prepare, or directly supervise the preparation of, a written report of each *condition assessment*, and shall submit such *condition assessment* report to the *authority having jurisdiction* within a time period as specified by the *authority having jurisdiction*. The *condition assessment* report shall be sealed and signed by the *responsible professional engineer*, and shall include all of the following:

1. An evaluation and/or description of all of the following:
    1.1. The extent of *deterioration* and conditions that cause *deterioration* that could result in an *unsafe condition* or *unsafe structure*.
    1.2. The extent of *deterioration* and conditions that cause *deterioration* that, in the opinion of the *responsible professional engineer*, should be remedied immediately to prevent an *unsafe condition* or *unsafe structure*.
    1.3. The *unsafe conditions*.
    1.4. The problems associated with the *deterioration*, conditions that cause *deterioration*, and *unsafe conditions*.
    1.5. The corrective options available, including the recommended timeframe for remedying the *deterioration*, conditions that cause *deterioration*, and *unsafe conditions*.
    1.6. The risks associated with not addressing the *deterioration*, conditions that cause *deterioration*, and *unsafe conditions*.
    1.7. The *responsible professional engineer*'s recommendation regarding preventative maintenance.
2. Except in the case of the report of the initial *condition assessment,* an attestation, by the *responsible professional engineer,* that all available previously prepared *condition assessment* reports were reviewed and considered while performing the current *condition assessment* and preparing the report.
3. A *responsible professional engineer*'s recommendation regarding the time within which the next *condition assessment* of the *parking garage* or portion thereof should be performed. This recommendation shall include considerations of the *parking garage*'s age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other relevant factors.

[NY] C108 REMEDIES

[NY] C108.1 Remedies. The *owner* or operator of the *parking garage* shall repair or otherwise remedy all *deterioration*, all conditions that cause *deterioration*, and all *unsafe conditions* identified in a *condition assessment* report. All *repairs* and remedies shall comply with the applicable provisions of the *Uniform Code*, including any required permits.

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